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EXAMINER
SHIBRU, HELEN

ART UNIT	PAPER NUMBER
2621	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>1</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 June 2003</u>.

2a)☐ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
     closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-65</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) <u>1-65</u> are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1.   Restriction to one of the following inventions is required under 35 U.S.C. 121:

    I.   Claims 1-5, 24-36, 38-42, drawn to "a method for determining the capabilities of

        a media system, the method comprising: querying each of one or more functional

        objects in the media system to determine a functional limit of each of the one or

        more objects for a predetermined function; and determining which of the

        functional limits of the one or more objects maximally limits the capability of the

        media system for the predetermined function.", classified in class 386, subclass

        102.

    II.   Claims 6-9, 43-46 drawn to "a method for determining whether a playback rate is

        supported in a multimedia system, the method comprising: receiving a query for

        rate support; retrieving one or more media source components and stream sink

        components required for a rate change to the playback rate; for each retrieved

        media source component, determining if rate control services are supported;

        returning an indication to a user as the feasibility of supporting the rate change;

        retrieving one or more transforms required for the rate change; for each transform,

        calling a rate control service; for any transform that is a decoder, assuming any

        rate can be supported; and if rate control is not supported, assuming any positive

        rate can be supported" classified in class 386, subclass 68.

III.   Claims 10-23 and 47-65 drawn to "a method for scheduling a rate change in a multimedia system, the method comprising: receiving a query to set a playback rate; receiving one of an identified time for the playback rate or a request for immediate playback rate change; calling one or more multimedia components required to perform the playback rate; and scheduling the playback rate using a presentation clock, the presentation clock determining a time to implement the playback rate according to race conditions among the multimedia components", classified in class 725, subclass 88.

IV.   Claim 37 is drawn to "a computer-readable medium having computer-executable instructions for performing rate mode changes to a media data stream in a multimedia system, the computer-executable instructions performing acts comprising: receiving a rate mode change event indicating that a new rate mode; dropping all data in the media data stream that is waiting to be decoded in a transform pipeline; marking a first sample of the media data stream to be in the new rate mode with a sample attribute identifying the new rate mode; changing the rate on a presentation clock according to the new rate mode attribute; synchronously notifying one or more multimedia components in the multimedia system that provide a time source to perform the new rate mode; and asynchronously notifying one or more multimedia components in the multimedia system that do not provide the time source to perform the new rate mode.", classified in class 386, subclass 52.

2.   The inventions are distinct, each from the other because of the following reasons:

Groups I-IV are related as combination and subcombination. Inventions in this relationship are

distinct if it can be shown that (1) the combination as claimed does not require the particulars of

the subcombination as claimed for patentability, and (2) that the subcombination has utility by

itself or in other combinations (MPEP § 806.05(c)). In the instant case, the method for

determining the capabilities of a media system as recited in claim 1 of group I does not require

the features of 'retrieving one or more media source components and stream sink components

required for a rate change to the playback rate; for each retrieved media source component,

determining if rate control services are supported; returning an indication to a user as the

feasibility of supporting the rate change; retrieving one or more transforms required for the rate

change; for each transform, calling a rate control service; for any transform that is a decoder,

assuming any rate can be supported; and if rate control is not supported, assuming any positive

rate can be supported' as recited in claim 6 of group II, 'calling one or more multimedia

components required to perform the playback rate; and scheduling the playback rate using a

presentation clock, the presentation clock determining a time to implement the playback rate

according to race conditions among the multimedia components' as recited in claim 10 of group

III, and 'dropping all data in the media data stream that is waiting to be decoded in a transform

pipeline; marking a first sample of the media data stream to be in the new rate mode with a

sample attribute identifying the new rate mode; changing the rate on a presentation clock

according to the new rate mode attribute; synchronously notifying one or more multimedia

components in the multimedia system that provide a time source to perform the new rate mode;

and asynchronously notifying one or more multimedia components in the multimedia system that

do not provide the time source to perform the new rate mode' as recited in claim 37 of group IV.

Second, the method for determining whether a playback rate is supported in a multimedia system as recited in group II does not require the features of 'querying each of one or more functional objects in the media system to determine a functional limit of each of the one or more objects for a predetermined function; and determining which of the functional limits of the one or more objects maximally limits the capability of the media system for the predetermined function' as recited in group I claim 1, 'calling one or more multimedia components required to perform the playback rate; and scheduling the playback rate using a presentation clock, the presentation clock determining a time to implement the playback rate according to race conditions among the multimedia components' as recited in claim 10 of group III, and 'dropping all data in the media data stream that is waiting to be decoded in a transform pipeline; marking a first sample of the media data stream to be in the new rate mode with a sample attribute identifying the new rate mode; changing the rate on a presentation clock according to the new rate mode attribute; synchronously notifying one or more multimedia components in the multimedia system that provide a time source to perform the new rate mode; and asynchronously notifying one or more multimedia components in the multimedia system that do not provide the time source to perform the new rate mode' as recited in claim 37 of group IV.

Similarly the method for scheduling a rate change in a multimedia system as recited in group III does not require the features of 'querying each of one or more functional objects in the media system to determine a functional limit of each of the one or more objects for a predetermined function; and determining which of the functional limits of the one or more objects maximally limits the capability of the media system for the predetermined function' as recited in group I claim 1, 'retrieving one or more media source components and stream sink

components required for a rate change to the playback rate; for each retrieved media source component, determining if rate control services are supported; returning an indication to a user as the feasibility of supporting the rate change; retrieving one or more transforms required for the rate change; for each transform, calling a rate control service; for any transform that is a decoder, assuming any rate can be supported; and if rate control is not supported, assuming any positive rate can be supported' as recited in claim 6 of group II, and 'dropping all data in the media data stream that is waiting to be decoded in a transform pipeline; marking a first sample of the media data stream to be in the new rate mode with a sample attribute identifying the new rate mode; changing the rate on a presentation clock according to the new rate mode attribute; synchronously notifying one or more multimedia components in the multimedia system that provide a time source to perform the new rate mode; and asynchronously notifying one or more multimedia components in the multimedia system that do not provide the time source to perform the new rate mode' as recited in claim 37 of group IV.

Last the computer-readable medium of group IV does not require the features of 'querying each of one or more functional objects in the media system to determine a functional limit of each of the one or more objects for a predetermined function; and determining which of the functional limits of the one or more objects maximally limits the capability of the media system for the predetermined function' as recited in group I claim 1, 'retrieving one or more media source components and stream sink components required for a rate change to the playback rate; for each retrieved media source component, determining if rate control services are supported; returning an indication to a user as the feasibility of supporting the rate change; retrieving one or more transforms required for the rate change; for each transform, calling a rate

control service; for any transform that is a decoder, assuming any rate can be supported; and if

rate control is not supported, assuming any positive rate can be supported' as recited in claim 6

of group II, and 'calling one or more multimedia components required to perform the playback

rate; and scheduling the playback rate using a presentation clock, the presentation clock

determining a time to implement the playback rate according to race conditions among the

multimedia components' as recited in claim 10 of group III.

3.   Because these inventions are distinct for the reasons given above and have acquired a

separate status in the art as shown by their different classification, restriction for examination

purposes as indicated is proper.

4.   Applicant is advised that the reply to this requirement to be complete must include an

election of the invention to be examined even though the requirement be traversed (37 CFR

1.143).

5.   Applicant is reminded that upon the cancellation of claims to a non-elected invention, the

inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the

currently named inventors is no longer an inventor of at least one claim remaining in the

application. Any amendment of inventorship must be accompanied by a request under 37 CFR

1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329.

The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HELEN SHIBRU/

Examiner, Art Unit 2621

April 11, 2008

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621